

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-cr-80162-CANNON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH ROBERT STEWART,

Defendant.

_____ /

DEFENDANT’S OBJECTIONS TO PRESENTENCE REPORT

The Defendant, JOSEPH ROBERT STEWART, by and through his undersigned appointed counsel, hereby files his Objections to the Presentence Report [PSR] as follows:

1. Defendant objects to the three level role enhancement under section 3B1.1(b) contained paragraph 125 of the PSR. Defendant submits that his conduct does not warrant a three level enhancement. Specifically, Defendant notes that probation similarly assessed his co-defendant Joseph Addison Martin a three level role enhancement. See PSR at para. 105. However, probation describes Mr. Martin as “the third-highest ranking member and was a founding member of the child pornography website referred to as Website A.” “Martin had approximately 61,000 images and 6,400 videos depicting minors engaged in sexually explicit conduct, as well as more that 63,000 additional images and 1,000 additional videos depicting other sexualized and exploitative depictions of young people and more than 1,800 animated images depicting the sexual exploitation of children.” Compared to the conduct of Stewart,

these two defendants are not on the same level and Stewart's total offense level should reflect such.

2. Defendant objects to the statement of probation in paragraph 175 of the PSR that [h]ad the defendant pled guilty to the Indictment he would have been facing 20 years to life as to Count One" and his "total offense level would have been 43 and his advisory guideline range would have been life imprisonment." In fact, Defendant was not charged in Count One so that those potential penalties were never applicable to him.

WHEREFORE Defendant, JOSEPH ROBERT STEWART, prays that this Honorable Grant sustain his Objections to the Presentence Report and to grant any other relief the Court deems just and proper.

Respectfully submitted,

RICHARD F. DELLA FERA, P.A.
500 East Broward Blvd., Suite 1710
Fort Lauderdale, FL 33394
Telephone: (954) 848-2872
Facsimile: (954) 848-2873
Email: rdf@rdfattorney.com
admin@rdfattorney.com

By: /s/ Richard F. Della Fera
RICHARD F. DELLA FERA
Fl. Bar No. 66710

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 27, 2024, I electronically filed the foregoing document with the Clerk of Court using CM ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the service list below in the manner specified, either via transmission of Notices of Electronic Filing generated by CM ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronic Notices of Electronic Filing:

By: /s/ Richard F. Della Fera
RICHARD F. DELLA FERA

